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Attorneys for Defendant

**UNITED STATES DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA**

SHERYL A. SMITH,

CASE NO. 4:11-CV-01295 SBA

Plaintiff,

**STIPULATION AND PROPOSED ORDER
SETTLING ATTORNEY'S FEES
PURSUANT TO THE EQUAL ACCESS
TO JUSTICE ACT (28 U.S.C. § 2412(d)
AND COSTS (28 U.S.C. § 1920)**

vs.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of ONE THOUSAND EIGHT HUNDRED DOLLARS (\$1,800.00) and costs in the amount of FOUR HUNDRED DOLLARS (\$400.00). This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920 and 2412(d).

After the Court issues an order for EAJA fees, expenses and costs to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees and expenses and costs to Plaintiff's attorney. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521 (2010), the ability to honor the assignment will depend on whether the fees, expenses and costs are subject to any

9 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
10 attorney fees, expenses and costs, and does not constitute an admission of liability on the part of
11 Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release
12 from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to
13 EAJA attorney fees and expenses and costs in connection with this action.

Respectfully submitted,

/s/Dolly M. Trompeter
DOLLY M. TROMPETER,
Attorney for Plaintiff
[as authorized by email]

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1 Dated: May 14, 2012

MELINDA L. HAAG
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DONNA L. CALVERT
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5 By: /s/ Theophous H. Reagans
THEOPHOUS H. REAGANS
Special Assistant U.S. Attorney
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7 Attorneys for Defendant
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10 **ORDER**

11 APPROVED AND SO ORDERED:

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14 DATED: 11/20/12


SAUNDRA BROWN ARMSTRONG
UNITED STATES DISTRICT COURT JUDGE